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# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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**Committee against Torture**

## Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure

### Third periodic reports of States parties due in 2013

## Slovakia *, **

[Date received: 18 November 2013]

* The second periodic report of Slovakia is contained in document CAT/C/SVK/2; it was considered by the Committee at its 899th and 901st meetings, held on 3 and 4 November 2009 (CAT/C/SR.899 and 901). For its consideration, see the Committee's concluding observations (CAT/C/SVK/CO/2).

** The present document is being issued without formal editing.

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# I. Introduction

1. The Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (hereinafter referred to as "the Convention") was adopted on 10 December 1984 in New York, and came into force on 26 June 1987. After its succession, the Slovak Republic became a State Party on 28 May 1993.

2. The third periodic report of the Slovak Republic on the implementation of the Convention (hereinafter referred to as "the Report") has been submitted in accordance with Article 19 section 1 of the Convention. The Report follows the second periodic report of the Slovak Republic (CAT/C/SVK/2), and builds on the responses to the list of questions of the Committee against Torture (hereinafter referred to as "the Committee") (CAT/C/SVK/Q/2/Add.1). The submitted responses should complement information on the measures adopted by the Slovak Republic for the purpose of implementation of the Convention. The second periodic report of the Slovak Republic was considered during the 899th and 901st sessions of the Committee (CAT/C/SR.899 and 901) held on 3 and 4 November 2009. At its 917th session on 16 November 2009 (CAT/C/SR.917), the Committee adopted its Concluding Observations and addressed them to the Slovak Republic (hereinafter referred to as "Final recommendations").

3. The Report covers the period from 1 January 2007 to the end of September 2013 (hereinafter referred to as "the Monitored period"). During the Monitored period, the Slovak Republic adopted several legislative and practical measures with the aim to improve the fulfilment of its obligations assumed under the Convention. These measures are specified in accordance with the articles of the Convention, and include measures adopted with the purpose to implement the Final recommendations of the Committee. The articles of the Convention also include comments of the Slovak Republic on the implementation of the Final recommendations.

# II. Information on new measures and developments in the field of the implementation of articles of the Convention

## Article 1

4. The punishment of torture in line with article 4 section 1 of the Convention is legally regulated by the provisions of § 420 of Act 300/2005 Coll., the Criminal Code as amended, (hereinafter referred to as "the Criminal Code") governing torture and other inhuman or cruel treatment.

5. The Slovak Republic makes further efforts to implement Committee recommendation No. 5 through the Amendment of the Criminal Code adopted in 2009, which came into effect on 1 January 2010, the legal basis of this offence has been extended to include cases when a competent public authority instigates or gives express or tacit consent to torture and other inhuman and cruel treatment.

## Article 2

6. The legal system of the Slovak Republic and its implementation in practice ensure that in the territory under the jurisdiction of the Slovak Republic, human rights and fundamental freedoms are fully respected. Act 460/1992 Coll., the Constitution of the Slovak Republic (hereinafter referred to as "the Constitution"), constitutional laws, acts

and other generally binding legal regulations ensure that no person in the territory of the Slovak Republic shall be subjected to torture or other forms of ill-treatment or punishment. The system of law of the Slovak Republic guarantees the protection of physical and mental integrity as a fundamental human right of all persons in the territory of the Slovak Republic.

7. During the monitored period, several legal regulations were adopted constituting the legal framework for the implementation of the Convention:

- Act 245/2008 Coll. on Education (the School Act) and on the modification and supplementation of some acts, as amended;
- Regulation of the Ministry of Justice of the Slovak Republic 368/2008 Coll. establishing the Rules of Prison Sentence Execution;
- Act 291/2009 Coll. on Specialised Criminal Court and on the modification and supplementation of some acts;
- Act 154/2010 Coll. on European Arrest Warrant as amended;
- Act 533/2011 Coll. on the Recognition and Implementation of Decisions imposing criminal penalty not associated with imprisonment or probation measure for the purpose of supervision in the European Union;
- Act 549/2011 Coll. on the Recognition and Implementation of Decisions imposing criminal penalty associated with imprisonment in the European Union and on the modification and supplementation of Act 221/2006 Coll. on Prison Sentence Execution as amended;
- Act 161/2013 Coll. on Awarding, Recognition and Implementation of Decisions on measures of supervision replacing prison sentence in the European Union.

8. The Slovak Republic is currently taking steps to prepare for the ratification of the Optional Protocol to the Convention on the Rights of the Child and the reporting procedures, and to prepare for the ratification of the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007.

9. The prevention of torture and other cruel, inhuman or degrading treatment or punishment is ensured, inter alia, through the officially published and regularly updated list of facilities within the competence of individual (government) sectors which includes the names of persons deprived of their freedom on the grounds of a decision issued by a competent public authority.

10. Through Act 547/2010 Coll. on the Incorporation of the Railway Police in the Police Corps of the Slovak Republic and on the modification and supplementation of some acts, the Railway Police, as an armed security body, became part of the Police Corps structure.

11. Through the Regulation of the Ministry of Interior of the Slovak Republic (hereinafter referred to as "the Ministry of Interior") regarding the Rules of Organisation adopted in 2003, the spiritual service in the armed forces was incorporated in the structures of the Ministry of Interior through the establishment of the vicariate of the Ordinariate of the Armed Forces of the Slovak Republic. The amendment of the said Regulation in 2007 established the Office of ecumenical pastoral of the Armed Forces of the Slovak Republic. The aim of the spiritual service is to provide spiritual and pastoral care to believers serving in the armed forces by police clergymen of the Catholic Church or other registered churches and religious companies.

12. The independence of the judiciary is guaranteed by the Slovak Constitution. The Slovak Republic continuously fulfils the final recommendation of Committee No. 7. Before

Act 59/2009 Coll. came into force, which had modified and supplemented Act 757/2004 Coll. on Courts and the modification and supplementation of some acts, in terms of Act 517/2008 Coll., the structure of Courts of the Slovak Republic included the system of Military Courts consisting of the Supreme Military Court and three District Military Courts. The competence of the Military Courts referred to members of the armed forces, members of the Police Corps, the Railway Police, the Corps of the Prison and Court Guard, National Security Authority, the Slovak Information Service, customs officers, and members of the armed forces of a sending state for criminal offences committed in the territory of the Slovak Republic, within the scope specified in International Treaties, except criminal offences defined by the provisions of § 14 section 2 of Act 301/2005 Coll., the Code of Criminal Procedure, as amended (hereinafter referred to as "the Code of Criminal Procedure"). As of 1 April 2009, Military Courts were cancelled and their competence transferred to general courts.

## Article 3

13. During the monitored period, the Slovak Republic adopted several legislative measures in the field of the non-refoulement principle, with the aim to fully implement the Committee's final recommendation No. 8. The Slovak Republic considers the principle to be fully incorporated in the Slovak legal system and properly applied in practice. Since 2006, Act 480/2002 Coll. on Asylum and the modification and supplementation of some acts (hereinafter referred to as "the Act on Asylum") has been amended by:

- Act 692/2006 Coll. which came into force on 1 January 2007 (transposition of the Directive of the Council 2004/83/EHS of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted);
- Act 643/2007 Coll. which came into force on 1 January 2008 (transposition of the Directive of the Council 2005/85/EHS of 1 December 2005 on minimum standards for procedures in Member States for granting and withdrawing refugee status);
- Act 451/2008 Coll. which came into force on 1 December 2008 (transposition of Article 15 of the Directive of the Council 2005/85/EHS of 1 December 2005 on minimum standards of procedures in Member States for granting and withdrawing refugee status);
- Act 75/2013 Coll. which came into force on 1 May 2013 (transposition of the Directive of the European Parliament and the Council 2011/51/EU of 11 May 2011 which modifies and supplements the Directive of the Council 2003/109/EHS for the purposes of the extension of its competence for persons with granted international protection).

14. The most substantial changes regarding the principle of non-refoulement were introduced by the Amendment of the Act on Asylum adopted in 2006, which introduced the institute of complementary protection, established complementary protection for the purposes of family reunification, introduced a new definition of "persecution", defined the term "author of persecution or serious tort", and complemented provisions concerning the evaluation of applications for asylum.

15. The Amendment of the Act on Asylum of 2007 modified provisions regarding interviews with asylum applicants and specified new grounds for the refusal of asylum applications which obviously lack foundation or are unacceptable.

16. The Amendment of the Act on Asylum in 2008 introduced a prolonged period during which legal remedies may be lodged against decisions which rejected the asylum application obviously lacking foundation or unacceptable applications, from the original 7 days to 20 days. Moreover, the said amendment introduced the provision of free legal assistance in asylum issues in cases when the Ministry of Interior issued a decision by which asylum was rejected or withdrawn, prolonged complementary protection was refused, or complementary protection cancelled, by which an asylum application was refused as obviously lacking foundation, or unacceptable, or by which the asylum provision procedures were suspended due to a previously awarded decision when the legal basis changed substantially. The Amendment of the Act on Asylum in 2008 also eliminated the consideration of obstacles of administrative expulsion, in order to remove the double consideration of obstacles of administrative expulsion: during asylum proceedings (by the Ministry of Interior) and subsequently during the expulsion of an alien from the territory of the Slovak Republic (by the competent police body).

17. Administrative expulsion is governed by Act 404/2011 Coll. on the Residence of Aliens and on the modification and supplementation of some acts (hereinafter referred to as "Act on Residence of Aliens"). Act 75/2013 Coll. added to the provisions of § 81 of the Act on Residence of Aliens a new obstacle of administrative expulsion. In terms of this amendment, it is not possible to expulse an alien to a state where he/she could possibly face the threat of forced expatriation to a state where his/her life and freedom would be endangered due to the reasons defined in § 81 sections 1 and 2 of the Act on Residence of Aliens.

18. All the above-mentioned legislative changes have been adopted in order to strengthen the rights of refugees and persons who need international protection in this particular area.

## Article 4

19. The amendment of Criminal Code of 2013, which came into force on 1 August 2013, added a new provision to § 87 section 5 of the said Act, which regulated the expiration of criminal prosecution in the case of the torture of close person or entrusted person in accordance with § 208 of the Criminal Code. In terms of the said amendment, the criminal prosecution shall expire when three years have elapsed as minimum after the person who became a victim of torture of close person or entrusted person turned eighteen years of age.

## Article 5

20. The competence of Slovak Courts in criminal procedures associated with torture is regulated by the Rules of Criminal Procedure, Act 757/2004 Coll. on Courts and the modification and supplementation of some acts, as amended, and Act 291/2009 Coll. on Specialised Criminal Court and the modification and supplementation of some acts.

21. In the monitored period, § 5a was added to the Criminal Code governing its scope of competence based on the principle of personality. In terms of this provision, the possibility of punishment of genocide, inhumanity, war cruelty, persecution of inhabitants and war injustice is equally considered if the criminal offence in question was committed outside the territory of the Slovak Republic by an alien without permanent residence in the territory of the Slovak Republic.

22. Moreover, § 7b was added to the Criminal Code to bring its competence in line with international treaties, stipulating its obligation to implement and consider decisions awarded by other states.

23. In the Slovak Republic as of 31 March 2013 there were (at district courts, regional courts, the Supreme Court of the Slovak Republic and the Specialised Criminal Court) 1309 competent judges (821 women and 488 men) of which:

- At district courts a total of 856 judges;
- At regional courts a total of 356 judges;
- At the Specialised Criminal Court a total of 13 judges;
- At the Supreme Court of the Slovak Republic a total of 84 judges;
- Total: 1309 judges.

## Article 6

24. The Slovak Republic continues its dialogue with the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. During the monitored period, amendments of several regulations were adopted regarding the limited freedoms of persons. With this respect, Order No. 50/2010 was issued by the President of the Police Corps after his visit to the Slovak Republic in 2009, setting tasks to be executed in order to implement the recommendations of the European Committee for the Prevent of Torture and Inhuman or Degrading Treatment or Punishment, as well as Order of the President of the Police Corps 18/2011 governing the performance of tasks by the Public Order Police Corps units.

25. The legal regulation associated with the limited freedom of persons was also supplemented by Act 154/2010 Coll. on the European Arrest Warrant which defines the processes to be carried out by Slovak authorities when they surrender or take-over persons within the European Union on the grounds of a European Arrest Warrant and all the procedures concerned. The European Arrest Warrant is an important tool applied by judicial bodies of the EU member states which serves to detect a person in the territory of an EU member state and surrender the person to a requesting member state for the purpose of criminal prosecution, execution of punishment or protective measure.

26. The Slovak Republic reported the following statistical data on the number of persons surrendered by another country to the Slovak Republic and vice versa.

| *Year* | *Number of persons handed over from abroad to the Slovak Republic* | *Number of persons handed over from the Slovak Republic to abroad* |
|---|---|---|
| 2008 | 116 | 36 |
| 2009 | 143 | 53 |
| 2010 | 152 | 48 |
| 2011 | 168 | 64 |
| 2012 | 157 | 45 |

## Articles 7–9

27. The Slovak Republic fully implements articles 7–9 of the Convention. The Slovak Republic is a party state to many bilateral and multi-lateral international treaties and complies with all international standards laid down for the field in question by articles 7–9 of the Convention. Due to the fact that the status quo is sufficient, during the monitored period the Slovak Republic did not adopt special legislative measures. No recommendations for the implementation of the articles concerned were presented by the Committee to the Slovak Republic.

## Article 10

28. The Slovak Republic demonstrates adequate efforts in the implementation of the Committee's final recommendation No. 11. School education programmes and subjects at special secondary schools of the Police Corps such as "Criminalistics" (interrogation – specific features, strategies), "Law" (strategies, practical exercises – interrogations), "Ethics and Psychology of Police Practice" (psychology of interrogation, socio-psychological practice, communication skills – preparation for interview, practical exercises focusing on the psychological aspects of interrogation and data mining) include the topic of "Methods of Interrogation".

29. The issue of human-rights education also forms part of education programmes at the Police Academy (hereinafter referred to as "the Academy"). Education on human rights at the Academy is provided on the 1st and 2nd grade of university education and during specialised police studies as a subject titled "Human Rights" with the aim to inform students about the universal and European system of the protection of human rights. Another subject – "Constitutional Law" – teaches students the aspects of the protection of human rights inside their country. "International Law" and "European Law" have been designed to analyse the most significant international and European documents governing human rights. In the field of interrogation, attention is paid to the effective use of evidence in the process of criminal investigation. Specialised police study programmes for civil and military university graduates look at the issue of human rights and police ethics through a subject called "Police and Human Rights".

30. With the aim to raise awareness of human rights and human rights culture, the Academy develops cooperation with national and international institutions active in the field of human rights protection, in particular the Slovak National Centre for Human Rights, the Council of Europe, the European Union Agency for Fundamental Rights, and the European Police Academy.

31. As part of the cooperation with the European Police Academy, members of the Police Corps attend courses focused on "Human rights and police ethics". The educational process and related activities (seminars, exercises, final theses, and workshops) are regularly updated by the Academy in order to reflect new trends and developments in the field of human rights protection.

32. Members of the Police Corps are also regularly familiarized with the Report on criminal activities of the Police Corps members and the Report on resolving complaints and petitions within the competence of the Ministry of Interior in the corresponding calendar year.

33. The information concerning the prohibition of torture and other cruel, inhuman or degrading treatment or punishment is fully incorporated in the education and training programmes aimed at members of the armed forces. The process of education of the Military Police members incorporates the provisions of the Convention through the

education programme of the Military Police Training Centre, which is mainly focused on the legal ways of executing the powers and fulfilment of obligations of military police officers as stated in Act 124/1992 Coll. on Military Police, as amended (hereinafter referred to as "Act on Military Police"). The educational facilities of the Ministry of Interior enable members of the Military Police to complete their education in specialised police courses at the Academy titled "Ethics and Psychology of Police Practice".

34. Apart from activities in the field of education and raising awareness of human rights, the Slovak Republic has made further efforts with the ambition to implement the Committee's final recommendation No. 15. The cooperation between the Office of the Plenipotentiary of the Slovak Republic for Romani Communities and the Police Corps brought a project of police specialists which builds on current programmes focused on social field work that have achieved positive results in selected Romani settlements by successfully executing the tasks of the Police Corps.

35. Day-to-day practical tasks of members of the Police Corps include assistance provided to members of the marginalized Romani communities in solving their problems, e.g. helping them obtain identity cards and other personal documents, and volunteer activities in order to improve the position of the marginalized Romani community members. The realisation of the project brought a positive development in the field of public order protection.

36. Education provided to judges and prosecutors as well as other employees of the judiciary in the field of human rights, including the prevention of torture and other cruel inhuman and degrading treatment or punishment, is regularly evaluated by the Ministry of Justice of the Slovak Republic (hereinafter referred to as "the Ministry of Justice"). A meeting of the Minister of Justice with representatives of the Judicial Academy of the Slovak Republic (hereinafter referred to as "the Judicial Academy") and the General Prosecution of the Slovak Republic (hereinafter referred to as "the General Prosecution") was held on 9 January 2013. The key objective of the meeting was the promotion of education and a more targeted orientation towards specific groups of staff in the justice sector. Its participants agreed that more intense cooperation in the legislative process is needed in order to improve the quality of life-long education in the judiciary area. The meeting brought an agreement on intensified cooperation to achieve the enhanced education and training of judiciary staff and prosecution. Observations presented at the working seminar formed an important basis for the establishment of a new Commission for the preparation of amendments of legal regulations governing the education provided to target groups of the Judicial Academy of the Slovak Republic and its powers.

37. At the Judicial Academy, the employees and pedagogical staff of the prosecution provide education to judges, prosecutors and judicial and legal aspirants in accordance with the approved annual study scheme based on the education programme determined by the General Prosecutor and the Judicial Council of the Slovak Republic agreed on with the Minister of Justice. In recent years, the Judicial Academy has offered several education activities in the form of seminars, workshops and conferences.

38. Systematic education of members of the Corps of Prison and Court Guard is carried out according to the Concept of Education of the Members of the Corps of Prison and Court Guard and employees of the Corps of Prison and Court Guard for 2004–2015, the Concept of Education and Development of Staff of the Corps of Prison and Court Guard for 2011-2020, Order of the General Director of the Corps of Prison and Court Guard n. 25/2010 on the Education of the Members of the Corps of Prison and Court Guard and the employees of the Corps of Prison and Court Guard.

39. The Slovak Republic reported the following statistical data regarding the education activities of members of the Corps of the Prison and Court Guard:

| *Educational activity*[1] | *2007* | *2008* | *2009* | *2010* | *2011* | *2012* | *2013 I st semester* | ***Total*** |
|---|---|---|---|---|---|---|---|---|
| A | 92 | 186 | 267 | 288 | 340 | 263 | 74 | **1510** |
| B | 181 | 154 | 229 | 260 | 239 | 243 | 147 | **1453** |
| C | 0 | 34 | 37 | 35 | 24 | 36 | 0 | **166** |
| D | 0 | 42 | 41 | 52 | 37 | 49 | 22 | **243** |
| E | 0 | 27 | 30 | 47 | 19 | 29 | 22 | **174** |
| **Total** | **273** | **443** | **604** | **682** | **659** | **620** | **265** | **3546** |

[1] Explanatory notes:
A – basic specialized education.
B – specialized professional education.
C – specialized course for the Court Guard.
D – specialized course for correction officers.
E – specialized course for shift supervisors.

40. Within the educational programmes at secondary medical schools, the state education schemes for the professions of a nutrition assistant, pharmaceutical laboratory technician, masseur, optician, orthopaedic technician, medical assistant and medical laboratory technician also include the topic of violence. The issue of torture is now taught to future paramedics too. The Regulation of the Ministry of Health of the Slovak Republic (hereinafter referred to as "the Ministry of Health") of 17 September 2010 incorporated the issue of torture, abuse and violence in specialized study programmes for doctors, nurses, medical assistants and public medical workers.

## Article 11

41. The Slovak Republic fulfils the Committee's concluding recommendation No. 6, while recommendation No. 12 is currently being implemented with expected completion by the end of December 2013. In this respect, the Ministry of Justice has been preparing comprehensive material to ensure that the imprisonment of minors would only be applied if absolutely necessary and strictly respecting the law, and to include regular inspections of the conditions in which minors execute their prison sentence. The rights of the accused and suspected persons who were taken into custody or whose freedom was restricted are guaranteed by the Rules of criminal procedure. When a person is taken into custody or his/her freedom is restricted, the members of the Police Corps are obliged to read the rights of the arrested person without delay and take all necessary steps. As soon as the reasons for arrest or restriction of freedom cease, the members of the Police Corps release the arrested person without delay or hand the person over to a competent authority. The members of the Police Corps are obliged to elaborate a report with the record of all events and information on the arrest, including possible harm or injury caused to the arrested person.

42. In compliance with § 19 section 6 of Act 171/1993 Coll. on the Police Corps (hereinafter referred to as "the Act on Police Corps"), as amended, at the request of the arrested person, one of his/her relatives or a close person must be informed about the arrest without unnecessary delay, and an attorney must be arranged to provide legal assistance to the arrested person. If the person taken into custody is a military worker, the police officer shall inform a corresponding military body. If the person taken into custody is a minor, the police officer shall inform a legal representative of the minor. The provisions of § 44

section 2 and § 48 of the Act on Police Corps regulate the procedures performed by its members in connection with persons taken into custody and held in police cells. If a person held in a police cell becomes sick, harms his/her health, or attempts to commit suicide, the police officer in charge of the cell protection shall take all necessary measures to protect the health of the arrested person, provide first aid assistance and call a doctor.

43. In compliance with § 85 section 6 of the Rules of criminal procedure, the arrested person has the right to choose an attorney and consult the attorney even during the arrest procedures, without the presence of a third person, as well as the right to demand the presence of his/her attorney during interrogation.

44. The right of an arrested person to have his/her relative or a close person informed about his/her arrest and the right to ask an attorney for legal assistance are equally incorporated in the Act on Military Police.

45. The person held in a police cell is allowed to make suggestions, comments and complain. The written suggestions, comments and complaints are handed over to the Commander of the Police Corps unit for further processing. Suggestions, comments and complaints made orally must be handed over to the Commander of the unit for further processing by the officer performing the cell guard.

46. The Slovak Republic continuously fulfils the Committee's recommendation No. 10. The supervision of compliance with legal regulations before the start of criminal proceedings and during preparatory procedures is carried out by a competent prosecuting body in accordance with Act 153/2001 Coll. on Prosecution (hereinafter referred to as "the Act on Prosecution"), as amended. Every decision issued by a police investigator or a charged police officer regarding the issue in question is examined by a competent prosecuting body.

47. In line with § 210 of the Rules of criminal procedure, during investigation or summary investigation, the accused, aggrieved or involved persons have the right to ask the prosecution to examine the actions taken by the police officer. The Prosecutor is obliged to examine the case and inform the petitioner on the results of the examination.

48. Amendment of the Rules of criminal procedures which came into effect on 1 September 2010 introduced the possibility to interrogate the victim.

## Article 12

49. The Slovak Republic makes every effort to achieve the full implementation of the Committee's final recommendation No. 13. On 24 July 2009, the Minister of Interior published Order n. 21/2009 on Tasks to prevent the violation of human rights and freedoms by members of the Police Corps and members of the Railway Police when performing their practical tasks and deprivation of personal freedom. In the area of inspection procedures, the said Order also set the permanent task to pay special attention to the conduct of the members of the Police Corps and the Railway Police when taking action against persons, evaluate findings of the inspections and controls, and take measures to correct defects and remove causes of these defects within five days from the date when the inspection was carried out.

## Article 13

50. Within the Ministry of Interior, control and inspection of the Police Corps is carried out by the Control and Inspection Service Department directly reporting to the Minister of Interior. Investigation of crimes committed by members of the Police Corps is the

responsibility of the Inspection Service Authority which examines all types of crime. The Slovak Republic takes into consideration the Committee's final recommendation No. 9. The Slovak Republic considers the current situation to be sufficient.

51. Complaints about maltreatment committed by members of the Police Corps are examined and processed in accordance with Act 9/2010 Coll. on Complaints, as amended. This Act replaced Act 152/1998 Coll. on Complaints which did not respond to legislative changes and practical needs. The examination of these complaints is the responsibility of the Control and Inspection Services Department of the Ministry of Interior, the Control Department of the Presidium of the Police Corps and the Control Departments at regional headquarters of the Police Corps.

52. The Slovak Republic reported the following statistical data on the number of claims made by arrested, detected and accused persons reporting injuries allegedly by members of the Police Corps.

| *Year* | *2003* | *2004* | *2005* | *2006* | *2007* | *2008* | *2009* | *2010* | *2011* | *2012* |
|---|---|---|---|---|---|---|---|---|---|---|
| Number of claims | 301 | 204 | 155 | 227 | 164 | 146 | 172 | 184 | 168 | 158 |

## Article 14

53. The relevant legal regulation defined in § 49 of the Rules of criminal procedures guarantees the victims of torture and maltreatment access to legal assistance through the reporting obligation of the law enforcement authorities. The provisions of § 47 section 6 of the Rules of criminal procedures also guarantees victims the right to obtain free legal assistance when they claim compensation in the process of criminal proceedings, as well as civil proceedings, provided by the Centre of Legal Assistance pursuant Act 327/2005 Coll. on the Provision of legal assistance to persons in material need and the modification and supplementation of Act 586/2003 Coll. on Advocacy and modification and supplementation of Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act) as amended.

54. On 12 March 2009, the Slovak Republic ratified the European Convention on the Compensation of the Victims of Violent Crimes adopted on 24 November 1983. The provision of financial compensation to the victims of violent crimes is regulated by Act No. 215/2006 Coll. on the Compensation of Victims of Violent crimes in terms of Act No. 79/2008 Coll. (hereinafter referred to as "the Act on Compensation") and is in compliance with the norms of international and European law, especially the standards of the Council of Europe and the European Union in this particular area.

55. In order to implement the final recommendation of the Committee No. 16, the Slovak Republic adopted Act No. 146/2013 Coll. on 28 May 2013, which modified and supplemented the Act on Compensation. Act No. 146/2013 Coll. came into effect on 1 July 2013 and explicitly defined that the victims of rape, sexual violence and abuse have the right to financial compensation for their physical harm if caused by the offence, as well as the right to financial compensation for psychological harm caused to them (e.g. psychic trauma, stress, anxiety, frustration).

56. The legal regulation concerning the rights of victims or persons aggrieved during criminal proceedings, respectively, will be further evaluated by the Ministry of Justice within the framework of the transposition of the Directive adopted by the European Parliament and the Council 2012/29/EU of 25 October 2012, which set minimum legislative requirements in the field of the rights, support and protection provided to victims of crime, replaced the framework decision of the Council 2001/220/JHA, and which is

expected to bring complex solutions to the issue of the rights of victims in criminal proceedings, including access to legal assistance in terms of the said Directive.

57. Amendments of Act No. 256/1998 Coll. on Witness Protection in 2009 brought the proposal for its incorporation in the protection programme, the proposal of the realisation of immediate measures, as well as the withdrawal from the protection agreement and the dissolution of the protection programme. The legal regulation provides for effective protection against the potential threat of revenge or intimidation posed to witnesses in criminal proceedings who give evidence of committed crimes.

## Article 15

58. The Slovak Republic fully implements article 15 of the Convention. The Slovak Republic is a party state to many bilateral and multi-lateral international treaties, and complies with all international standards governing the issue in question. Due to the fact that the status quo is sufficient, during the monitored period the Slovak Republic did not adopt special legislative measures. No recommendations for the implementation of the said article were presented by the Committee to the Slovak Republic.

## Article 16

### 1. Sterilisation of Romani Women

59. Recommendation No. 14 of the Committee has been fully implemented. The Slovak Republic adopted legislative measures harmonising the rights of patients with international standards in 2005. The legal basis of illegal sterilisation is contained in the provisions of § 159–160 of the Criminal Code.

60. The women allegedly affected by failures associated with sterilisations performed before 1 January 2005 have the right to demand compensation in civil proceedings in the general courts of the Slovak Republic.

61. With respect to the recommendation for a thorough investigation into all cases of forced sterilisation, the Slovak Republic refers to the Report of the Council of Europe Commissioner for Human Rights on the Slovak Republic of 29 March 2006 (CommDH(2006)5) which concluded that considerable effort was devoted to the investigation of the alleged forced or involuntary sterilisations of Romani women in Slovakia. Above the framework of criminal investigations a specialized medical inspection board was established comprising representatives of health care institutions and an expert opinion elaborated by the Faculty of Medicine of Comenius University in Bratislava. The results of the investigation did not prove that the Government of the Slovak Republic promoted an organised discriminating sterilisation policy. The Government of the Slovak Republic adopted legislative and practical measures with the aim to remove administrative inadequacies found during the investigation in order to prevent similar events occurring in the future. The Council of Europe Commissioner for Human Rights did not conclude in his report a request for further investigation carried out by the Slovak Republic; his recommendations only concerned the issue of compensation provided to the victims whose rights were violated, in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as "the European Convention"), as a result of illegal sterilisation.

62. The Slovak Republic also points to the conclusions of the European Court of Human Rights (hereinafter referred to as "the European Court") contained in three recent rulings of the Court regarding the sterilisation of women performed without their consent. This

concerns three rulings in the cases of *V. C. vs Slovak Republic* (Court Ruling of 8 November 2011, which came into effect on 8 February 2012), *N. B. vs Slovak Republic* (Court Ruling of 12 June 2012, which came into effect on 12 September 2012) and *I. G., M. K. and R. H. vs Slovak Republic* (Court Ruling of 13 November 2012, which came into effect on 29 April 2013).

63. In the case of *V.C.*, the European Court of the Slovak Republic did not order national authorities to initiate criminal proceeding on their own initiative as no findings proved that the doctors acted in bad faith or with the intention to maltreat the claimant.

64. With regards to the claimants' complaint about noncompliance with Article 3 of the European Convention due to the failed investigation in the cases evaluated by the European Court, the Slovak Republic issues the following opinion:

65. In the case of *V. C. vs Slovak Republic* and regarding the objection raised by the claimant against the violation of the procedural part of Article 3 of the European Convention due to the failure of the investigation, the European Court stated that the claimant was offered the opportunity to argue against the procedure taken by the medical staff in a civil trial and proceedings at the Constitutional Court of the Slovak Republic (hereinafter referred to as "the Constitutional Court"). The civil trial was held over 2 years and 1 month, the Constitutional Court trial over 13 months. The said periods cannot be subject to special criticism. The claimant did not turn to the law enforcement authorities in spite of the fact that she had the opportunity to do so. Therefore, according to the European Court, Article 3 of the European Convention was not violated.

66. In the case of *N. B. vs Slovak Republic* the European Court equally rejected the claimant's objection raised due to the alleged failure of the investigation into her illegal sterilisation. The European Court stated that the complaint filed by the claimant was examined on three different levels of proceeding until the General Prosecution admitted that the claimant's sterilisation was performed contrary to the relevant law, as no consent was given by her legal representative to perform the operation. However, with regards the legal basis of the case, this act was not considered as a crime. The claimant had the opportunity to argue against the procedure taken by the medical staff in a civil trial and proceedings at the Constitutional Court of the Slovak Republic. Although the civil trial was held over four years and nine months and the criminal proceeding over 18 months, the European Court came to the conclusion that both were carried out with particular promptness. Therefore, according to the European Court, Article 3 of the European Convention was not violated.

67. The noncompliance of Article 3 of the European Convention in its procedural part was only concluded by the European Court in the case of *I. G., M. K. and R. H. vs Slovak Republic*. The European Court concluded that the conduct of national authorities in the said case was incompatible with the requirement of promptness and adequate urgency. The European Court stated that the civil proceedings concerning the first claimant were held over five years and eight months on two different levels of investigation. The civil proceedings concerning the second claimant were held over six years and five months on two different levels of investigation. The criminal proceedings lasted more than five years and three months, where the Constitutional Court found in two instances that the law enforcement authorities did not pay particular attention to the case. As a result, the proceedings were prolonged significantly. Unlike in the cases of *V. C.* and *N. B.* and in light of the above-mentioned facts, the European Court admitted the violation of Article 3 of the European Convention in the last case in its procedural part. Moreover, the European Court indicated that the civil courts examined the circumstances of the sterilisation of the first and second claimants, and concluded in both cases the noncompliance of legal regulations to perform the operation. The case was also examined by the law enforcement authorities on three different levels of proceedings and by the Constitutional Court. Although the law

enforcement authorities concluded that in the context of the sterilisation of Romani women, including the first and the second claimant, no crime was committed, they made every effort to deal with the issue. This way, the first and second claimant had the opportunity to examine the allegedly illegal conduct of the medical staff by national authorities. According to the European Court, the responsibility of persons involved should have been investigated in civil proceedings.

68. The measures taken by the Slovak Republic concerning the execution of the said decisions of the Court is currently being monitored by the Committee of Ministers of the Council of Europe. Financial compensation was attributed to the claimants *V. C.* and *N. B.* by the Ministry of Justice (in the third case the date for the payment of the compensation was indicated as 29 July 2013). The rulings in the cases of *V. C.* and *N. B. vs Slovak Republic* were submitted to the President of the Constitutional Court and the Presidents of all district and regional courts in order to familiarise the judges of the said courts with their content. The rulings in the cases of *V. C., N. B.* and *I. G., M. K. and R. H.* are also brought to the attention of judges and prosecutors through education activities provided by the Government Plenipotentiary of the Slovak Republic before the European Court for Human Rights. The rulings represent a significant reference tool for national authorities when evaluating the complaints by women asking for compensation after having been affected by inadequacies concerning sterilisation and when determining the amount of compensation.

69. Furthermore, the Ministry of Health elaborated a draft regulation setting detailed instructions, which precede informed consent before the performance of sterilisation and example forms of informed consent before the performance of sterilisation of persons, in their mother tongue and in the languages of national minorities. The said draft regulation consists of the informed consent which is preceded by information provided by the health care medical personnel. The main objective of the draft regulation is to ensure in application practice that apart from instruction, detailed information shall be provided before the performance of the sterilisation as part of the informed consent. Before sterilisation, there is a very serious decision to be made by the patient, therefore it requires comprehensive information to be provided in such a manner that the person perfectly understands its content. At present the Ministry of Health provides official translations of informed consent into the languages of minorities. Subsequently, the draft regulation shall be submitted to the Permanent Working Commission of the Legislative Government Council of the Slovak Republic.

### 2. Implementation of the School Act

70. During the monitored period, the Slovak Republic made a significant effort to fully implement the Committee's final recommendation No. 15b. A child or a student with special education needs is considered a child or a student whose education requires the provision of additional resources in order to promote effective education. The use of additional resources will enable the creation of an environment with enhanced quality, corresponding to the needs of students requiring a special approach in the educational process. Special educational needs require the adjustment of conditions (content, forms, methods, environment and strategies), adjustment of organisation and the realisation of the educational process in a way that corresponds with the particularities of those students whose physical, psychological or social development is significantly different from standard development. By taking into account their special needs, students can be provided with equal access to education, adequate development of their skills and personality, as well as the completion of an adequate grade of education and adequate social integration.

71. The legal regulation of education for children and students with disabilities contained in Act No. 245/2008 Coll. on Education (the School Act) and on modification

and supplementation of some Acts is considered separately from the education of children and students from socially disadvantaged environments.

72. Admission of children and students with disabilities to schools is preceded by diagnostic examinations focused on the analysis of their special educational needs. Schools only admit children or students with demonstrable physical or mental impairment who cannot be educated in pre-school facilities or primary schools due to their handicap.

73. Children with special educational needs are admitted after the resolution on their admission was issued by a school director based on a prior written application submitted by the child's legal representative and a written opinion released by a competent authority of educational assistance and prevention. Before a child is admitted to school, the school director informs its legal representative about all possibilities of education provided to his/her child.

74. The school director cannot admit a child without the prior presentation of a document by an educational assistance centre proving the health disability of the child, and without an indication of the diagnosis elaborated on the basis of previous examinations.

75. A child or a student from a socially disadvantaged environment is a child or a student who lives in a situation which, with respect to his/her social, family, economic and cultural conditions, insufficiently promotes the development of his/her mental, volitive and emotional characteristics, which does not encourage his/her socialisation, and does not provide enough adequate incentives for the development of his/her personality.

76. When creating their dramaturgy plans and schemes, the organisations within the competence of the Ministry of Culture of the Slovak Republic take into consideration the negative aspects of society today, like racism, intolerance and drug abuse. Another adequate tool for the prevention and fight against crime is organising of performances for children. In 2012 Bibiana, an organisation established within the competence of the Ministry of Culture of the Slovak Republic, developed the project "Roma sam" aimed at removing stereotypes and prejudice against the Romani.

77. In 2013, the Ministry of Education, Science, Research and Sport of the Slovak Republic issued a guideline for directors of the pedagogical-psychological consultancy and prevention centres with instructions for their procedures when evaluating the school skills of children from socially disadvantaged environments and when allocating children to primary schools.

78. Education of children from socially disadvantaged environments is also part of the strategy of the Slovak Republic for the integration of Romani by 2020. One of its main objectives is to improve access to quality education, including education and care in early childhood, as well as primary, secondary and university education, to prevent early termination of school attendance and ensure a successful transition from school to the work environment, as well as to carry out policies which will remove differences in the level of education of Romani and the rest of the population.

### 3. Violence against women and children

79. The Slovak Republic, well aware of the gravity of the Committee's recommendation No. 17, adopted in the monitored period several legislative measures with the aim to fully implement the said recommendation. To strengthen the legal and institutional framework for the protection of women against all forms of violence, the Ministry of Justice elaborated a comprehensive legal analysis of the Convention of the Council of Europe on preventing and combating violence against women and domestic violence. The said analysis was elaborated in cooperation with competent bodies and representatives of selected non-

governmental organisations acting in the area of the prevention and fight against violence committed against women and domestic violence.

80. To further strengthen the institutional framework for the protection of women against all forms of violence, the Ministry of Labour, Social Affairs and Family of the Slovak Republic initiated the establishment of the Coordination Centre for the prevention and fight against violence against women and domestic violence. Its financial, technical and personal support will be financed from the funds of the so-called Norwegian grants for 2009-2014.

81. Having in mind the singularity of the issue of violence against women and domestic violence, as well as human trafficking, particularly with women and children, and with the ambition to ensure the effective protection of witnesses against the potential threat of revenge or blackmailing from offenders in criminal proceedings, amendments of Act No. 256/1998 Coll. on Witness Protection were adopted in 2009, concerning the proposal of its incorporation into the protection programme and the proposal to take immediate action, as well as the withdrawal from the protection agreement and the dissolution of the protection programme. The current regulation provides effective protection against the potential threat of revenge or intimidation posed to witnesses in criminal proceedings who give evidence on committed crimes.

82. In recent years, the Slovak Republic adopted several amendments which modified the provisions of the Criminal Act, the Rules of criminal procedure and the Act on the Police Corps, concerning legal punishment of various forms of violence against women and domestic violence.

83. A significant legislative measure adopted in the field of the protection of women and children against violence was the amendment of the Act on the Police Corps, which came into effect on 15 December 2008. The said amendment introduced a new power for members of the Police Corps which enables them to expel a person from a common dwelling if circumstances were found that proved that this person endangered the life, health, freedom or human dignity of the endangered person. Expelling an offender from a common dwelling also includes the prohibition to re-enter such common dwelling within 48 hours from the moment of expulsion.

84. The institute was created to provide endangered persons with adequate protection, and enable them to lodge a proposal with a competent court during expulsion to require the court to impose a preliminary measure. The presentation of such a proposal to the court will prolong the duration of expulsion from a common dwelling until the day that the decision awarded by the court with respect to such proposal comes into force. The prolonged period will be notified to the expelled person.

85. Based on the evaluation of the said authorisation and its application in police practice, amendment to Act No. 99/1963 Coll., the Rules of procedure in civil proceedings, was adopted in 2009 and came into effect on 1 January 2010. It modified the duration of the 48-hour period of expulsion from a common dwelling, so that at present, it is interrupted on Saturdays, Sundays and public holidays, and starts again on the following working day.

86. Furthermore, a new form of criminal offence was incorporated into the Criminal Code – dangerous stalking – which significantly complemented the possibilities of the criminal punishment of stalking. The amended Criminal Code came into force on 1 September 2011.

87. In 2009 the Government of the Slovak Republic updated the National Action Plan on the Prevention and Elimination of Violence against Women and in Families for 2005 – 2008. On 17 June 2009, the Resolution of the Government No. 438/2009 adopted the

National Action Plan on the Prevention and Elimination of Violence against Women for 2009–2012.

88. By Resolution No. 477 of 6 July 2011, the Government of the Slovak Republic adopted the Continuous Report on the Fulfilment of the National Action Plan for 2009-2010, and updated the tasks of the National Action Plan. On 6 July 2013, the Government of the Slovak Republic considered the Report on the Fulfilment of Measures and Tasks of the National Action Plan and its updated version. During the monitored years 2011 and 2012, significant progress was made mainly in the field of framework conditions established for resolving the issue of violence against women. From the point of view of the overall number of planned activities, it was concluded that most of the tasks were fulfilled continuously, while some were fulfilled only partly. The tasks that were not completed were mainly connected with the realisation of the project Prevention and Elimination of Violence against Women which is an important source of financing for system activities in the field of violence committed against women. The scheduled start of the project is the end of 2013, and expected duration of the project is 24 months.

89. In 2009 the Government of the Slovak Republic approved the National Action Plan for Children for 2009-2012, which involved tasks and measures aimed at the field of elimination of violence committed against children. The evaluation of the National Action Plan for Children for 2009-2012 forms part of the new National Action Plan for Children for 2013-2017, which was adopted by the Slovak Government through its Resolution No. 276 on 5 June 2013.

90. Close cooperation of the public sector with non-governmental organisations deserves appreciation. This cooperation was developed in the Committee for Gender Equity as one of the committees of the Government Council of the Slovak Republic for human rights, national minorities and gender equity – an advisory body of the Government of the Slovak Republic. The Committee cooperates with a separate working group for Violence committed against women.

91. In the Slovak Republic, 52 consultancy centres providing consultancy services are available for women who become victims of violence. In 2009 to 2012, the Ministry of Labour, Social Affairs and Family of the Slovak Republic provided subsidies for projects aimed to help women who experience violence to 11 subjects, amounting to EUR 83,201.

92. Education and assistance for minors who become victims of violence is provided by facilities determined by court decisions, particularly crisis centres, in cases when a child within its own family is endangered by any form of violence, and its education cannot be provided by other family relatives. For the purpose of crisis intervention, 24-hour availability of bodies for the social protection of children and social guardianship is ensured. Suspected violation of children's rights can be reported on a free hotline of the Central Office of Labour, Social Affairs and Family of the Slovak Republic.

93. The Slovak Republic reported the following statistical data on the number of cases dealt with by bodies of socio-legal children protection and social guardianship:

| *Aid provided to tortured, sexually abused and harassed children* | *2007* | *2008* | *2009* | *2010* | *2011* | *2012* |
|---|---|---|---|---|---|---|
| Number of registered children | 746 | 609 | 408 | 343 | 422 | 545 |

94. The task of bodies for socio-legal children protection and social guardianship is to provide victims of violence and members of their families with psychological assistance and consultancy to help them overcome the effects of the psychological trauma they suffered. On the grounds of the overall case history, the body of socio-legal children protection and social guardianship elaborates a scheme for the social assistance provided to

the child, its parents or a person that takes care of the child, and suggests measures to resolve the child's situation.

95. During the investigation of violence committed in a family, the body of socio-legal children protection and social guardianship cooperates with the Police Corps, the courts, the prosecution, the school or education facility, municipality, the higher territorial unit, accredited subjects, health-care facility and other legal and natural persons active in the field of socio-legal children protection and social guardianship. It also participates in interrogations of the child by investigation authorities, and represents the child in the position of guardian in criminal proceedings in the case of conflict of interests.

96. The Slovak Republic made a significant effort to implement the Committee's final recommendation No. 18. Since 2009, the legal regulation of the Slovak Republic has been applying so-called "zero tolerance" to the physical punishment of children. In terms of Act No. 305/2005 Coll. on socio-legal children protection and social guardianship, which modified and supplemented some acts, it is prohibited to use any form of physical punishment against children or other gross or degrading forms of treatment and punishment of children which cause or may cause physical or psychological harm to the child. In accordance with the said Act, every person is obliged to inform the bodies of socio-legal children protection and social guardianship about the violation of children's rights. If the bodies of socio-legal children protection find out that severe or degrading forms of treatment or punishment were used against a child, it is obliged to apply the measures specified by the Act on socio-legal children protection and social guardianship. It has been proposed to also incorporate in the scheduled Civil Code a provision on the prohibition of physical punishment carried out by parents during the application of their rights and obligations.

97. Health-care providers are informed about the symptoms and diagnosis of negligence, torture or abuse of minors through a Specialised guideline on the symptoms and diagnosis of negligence, torture or abuse of minors, and on the procedure applied by health-care providers when reporting alleged negligence, torture or abuse of minors. Health-care providers are obliged to immediately inform a prosecutor, investigator or a police body when suspecting the negligence, torture or abuse of a minor or another third person who is not legally competent or whose legal competence is limited. This reporting obligation represents an exception to the professional oath of secrecy of medical staff.

98. In the field of domestic violence, the Slovak Republic regularly conducts information campaigns and educational activities to provide the general public with relevant information. One of the campaigns carried out during the monitored period was the campaign Stop domestic violence against women; educational project titled Violence against women as a result of the unequal position of women and the project Elimination of domestic violence. The issue of violence against women and children has also been incorporated in study programmes at public and private universities.

99. An important event was the approval of the programme Norwegian financial mechanism for gender based and domestic violence. On 6 November 2012, a programme agreement on the prevention of domestic and gender-based violence was officially concluded and signed. The financial contribution of the Norwegian financial mechanism to the programme called Domestic and gender-based violence amounted to EUR 7 000 000.00. The programme will be focused mainly on the prevention of domestic violence and minimising its effects.

100. On 27 December 2012, the Ministry of Health issued a specialized guideline on the symptoms and diagnosis of negligence, torture or abuse of a minor, and on the procedures for health-care providers when reporting suspected negligence, torture or abuse of a minor. The guideline came into effect on 1 January 2013. Its aim is to familiarise health-providers,

who hold a permit or a licence to perform their independent doctor's practice, about the symptoms and diagnosis of negligence, torture or abuse of a minor, and to specify a detailed procedure to be carried out by health-providers to fulfil their obligations defined in § 79 section 2 b) of Act No. 578/2004 Coll. on health-care and medical staff, trade organisations in health-care, and on the modification and supplementation of some acts, as amended.

### 4. Human trafficking

101. The Slovak Republic demonstrates adequate efforts to deal with the issue of the fight against human trafficking, and during the monitored period it made a significant effort to implement the Committee's final recommendation No. 19. In this respect, the Slovak Republic adopted the following norms:

- Act No. 342/2007 Coll. which modified and supplemented some acts after the Slovak Republic joined the Schengen Area;
- Act No. 448/2008 Coll. on Social Services and the modification and supplementation of Act No. 455/1991 Coll. on Trade Licensing as amended;
- Act No. 583/2008 Coll. on the Prevention of Crime and other anti-social activities and the modification and supplementation of some acts;
- Regulation of the Minister of Interior of the Slovak Republic No. 47 of 30 June 2008 on the Facilitation of the Programme for the Support and Protection of the Victims of Human Trafficking;
- Order of the Minister of Interior of the Slovak Republic No. 22 of 30 June 2008 which established an Expert Group for the fight against human trafficking;
- Order of the 2nd State Secretary of the Ministry of Interior of the Slovak Republic No. 1/2008 which established multidisciplinary working groups focused on the fight against human trafficking.

102. The first document at the national level dealing with the concept of the fight against human trafficking was adopted in the form of the National Action Plan for the Fight against Human Trafficking for 2006–2007. Responsibility for the fulfilment of its tasks was assumed by the state secretary of the Ministry of Interior, who became the national coordinator for the issue of human trafficking. Subsequently, an internal regulation was issued by the Ministry of Interior establishing an Expert group for the fight against human trafficking as an advisory, initiative and coordinating body of the national coordinator.

103. The said action plan was later replaced by the National Programme for Fight against Human Trafficking for 2008–2010. For the fulfilment of its tasks, the Ministry of Interior created multidisciplinary working groups for the fight against human trafficking with the aim to promptly respond to emerging needs and challenges. The working groups focus on the prevention of human trafficking, and the provision of comprehensive care for the victims of this criminal activity.

104. This was followed by the adoption of the National Programme of Fight against Human Trafficking for 2011–2014. The Ministry of Interior publishes the results of its evaluation and compliance with the set time schedule for the fulfilment of its tasks on its website.

105. Based on Act No. 583/2008 Coll. on the Prevention of Crime and other Anti-Social Activities and the modification and supplementation of some acts, the Ministry of Interior established the Information Centre for the Fight against Human Trafficking and the Prevention of Crime in 2009. The Information Centre deals with the collection, processing and creating of statistical data and analyses concerning human trafficking. The Centre also

coordinates the information system comprising data about all identified victims of human trafficking.

106. In 2008, the Ministry of Interior issued Regulation No. 47/2008 of 30 June 2008 on the facilitation of the Programme for the Support and Protection of the Victims of Human Trafficking. The programme consists of a series of activities with the aim to offer help and protection to victims of human trafficking.

107. In 2010 this programme involved 28 persons identified by non-governmental and international organisations as victims of human trafficking. In 2011 this number changed to 31 victims, and to 22 victims in 2012. By the end of 2012, support and protection was provided to 37 victims of human trafficking, including victims from previous years.

108. From the criminal law perspective, amendment of the Criminal Code and the Rules of Criminal Procedure was adopted, which came into force on 1 August 2013. The amendment modified the definition of human trafficking comprised in § 179 of the Criminal Act by incorporating the criminal act of abduction and forced begging (as a form of forced labour), forced marriage and the abuse of persons to commit crime.

109. This amendment also introduced changes in the Rules of Criminal Procedure, which created a better framework for the protection of child victims in order to minimise confrontations between the accused and the child who became a victim of human trafficking or another form of crime against human dignity.

110. Different subjects within the education schemes at professional secondary schools include the topic of Human Trafficking. Within the subject Ethics and Psychology of Police Work students are given lectures on Human trafficking and migration and Organisations providing assistance to the victims of human trafficking. Study programmes of the border and alien police include the subject Criminalistics covering the topics of Cross-border crime and international police cooperation and Types of organised crime (illegal migration, smuggling, and human trafficking).

111. Pedagogical and non-pedagogical staff are taught to detect the Child Abuse and Neglect Syndrome (CAN Syndrome), and to identify children who become victims of torture, abuse and negligence, during several work seminars conducted by qualified staff from pedagogical-psychological assistance and prevention centres. Moreover, a series of educational activities was organised for the staff of diagnostic and re-education centres, medical-educational sanatoriums, pedagogical-psychological assistance and prevention centres and regional education authorities with the aim to raise awareness, facilitate complex care, the prevention and identification of victims of human trafficking, prevention of risk behaviour and the prevention of CAN Syndrome.

112. Within its Pedagogical Guidelines for different school years, the Ministry of Education, Science, Research and Sport of the Slovak Republic continuously presents recommendations on the realisation of prevention campaigns and activities in the field of human trafficking, and organises seminars with qualified staff from pedagogical-psychological assistance and prevention centres to inform the public about the risks of working abroad and the prevention of inhuman treatment and slavery. The Ministry of Education, Science, Research and Sport of the Slovak Republic also promoted the creation of the www.bezpre.sk internet page which offers a platform for demonstrating examples of good practice in the prevention of human trafficking, prevention of risk behaviour and undesired socio-pathological phenomena, as well as for the promotion of health and enhanced security at schools.

113. In order to provide assistance and information as first contact with persons who may be in a risk situation associated with human trafficking, a National Hotline for the Protection of Human Trafficking Victims was established.

### 5. Psychiatric facilities

114. In this specific area, the Slovak Republic considers the Committee's final recommendation No. 20 to be fully implemented. If a person located in a medical institute providing psychiatric care seeks to enforce his/her rights due to the alleged non-fulfilment or violation of these rights, regardless of his/her scope of legal competence, this person has the right to lodge a claim with the relevant authorities. Such authorities include practitioners, chief doctors of the medical facility, the Health Department of the relevant self-governing region, the Health-Care Supervision Office and the Ministry of Health.

115. Compliance with Acts and other generally binding legal regulations concerning health-care facilities providing protective treatment and in-patient treatment is supervised by the Prosecutor, which has competence to detect possible non-compliance or violation.

116. To ensure quality medical care, the Ministry of Health elaborated a Specialized Guideline for the utilisation of restrictive measures in patients in health-care facilities providing psychiatric care, which came into effect on 30 June 2009. The Guideline provides a detailed summary of patients' rights and obligations of the staff using restrictive measures at psychiatric facilities in Slovakia. The guideline was followed by Specialised Guideline on the prevention of violence among patients hospitalised in health-care facilities providing psychiatric care. The said Guideline modified procedures for the prevention of violence among psychiatric patients, and introduced a more detailed definition of risk factors that incite violence among patients, and measures for the prevention of violence among hospitalised patients.

## III. Data collection

117. The Slovak Republic reported the following statistical data:

*2010*

| *Criminal Code No. 300/2005 Coll. as amended* | *Number of legally sentenced persons* | *Punishment imposed* | | |
|---|---|---|---|---|
| | | *A*[1] | *B*[2] | *Other* |
| § 420 | 0 | 0 | 0 | 0 |
| § 421, 422 | 31 | 3 | 23 | 5 |
| § 422a | 0 | x | x | x |
| § 422b | 0 | x | x | x |
| § 422c | 0 | x | x | x |
| § 423 | 6 | 2 | 1 | 2 |
| § 424 | 5 | 0 | 4 | 1 |
| § 424a | 0 | x | x | x |

[1] Prison sentence.

[2] Suspension of sentence.

*2011*

| *Criminal Code No. 300/2005 Coll. as amended* | *Number of legally sentenced persons* | *Punishment imposed* | | |
|---|---|---|---|---|
| | | *A* | *B* | *Other* |
| § 420 | 0 | 0 | 0 | 0 |
| § 421, 422 | 38 | 2 | 24 | 12 |

*2011*

| *Criminal Code No. 300/2005 Coll. as amended* | *Number of legally sentenced persons* | *Punishment imposed* | | |
|---|---|---|---|---|
| | | *A* | *B* | *Other* |
| § 422a | 0 | x | x | x |
| § 422b | 2 | 0 | 1 | 1 |
| § 422c | 1 | 0 | 0 | 1 |
| § 423 | 2 | 0 | 2 | 0 |
| § 424 | 7 | 2 | 5 | 0 |
| § 424a | 0 | x | x | x |

*2012*

| *Criminal Code No. 300/2005 Coll. as amended* | *Number of legally sentenced persons* | *Punishment imposed* | | |
|---|---|---|---|---|
| | | *A* | *B* | *Other* |
| § 420 | 0 | 0 | 0 | 0 |
| § 421, 422 | 32 | 1 | 19 | 12 |
| § 422a | 0 | x | x | x |
| § 422b | 2 | 0 | 2 | 0 |
| § 422c | 1 | 1 | 0 | 0 |
| § 423 | 1 | 0 | 1 | 0 |
| § 424 | 3 | 0 | 3 | 0 |
| § 424a | 0 | x | x | x |

Table 1
**Number of accused and sentenced persons**

| *Development of number of accused and sentenced persons* | *Accused* | | *Sentenced* | | ***Total*** | |
|---|---|---|---|---|---|---|
| | *Number as of 31.12.* | *Number* | *Number as of 31.12.* | *Number* | *Number as of 31.12.* | *Number* |
| 2010 | 1464 | 1596 | 8567 | 8339 | **10031** | **9935** |
| 2011 | 1407 | 1450 | 9118 | 9114 | **10525** | **10564** |
| 2012 | 1308 | 1400 | 9542 | 9556 | **10850** | **10956** |
| As of 23.09.2013 | 1318 | | 8758 | | **10076** | |

Table 2
**Number of sentenced persons according to the degree of surveillance and gender as of 31.12.**

| *Year* | *Minors* | | | *Minimum degree of surveillance* | | | *Medium degree of surveillance* | | | *Maximum degree of surveillance* | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | *Men* | *Women* | ***Total*** | *Men* | *Women* | ***Total*** | *Men* | *Women* | ***Total*** | *Men* | *Women* | ***Total*** |
| 2010 | 103 | 1 | **104** | 4258 | 343 | **4601** | 3265 | 119 | **3384** | 464 | 14 | **478** |
| 2011 | 99 | 3 | **102** | 4477 | 393 | **4870** | 3481 | 147 | **3628** | 503 | 15 | **518** |
| 2012 | 93 | 2 | **95** | 4735 | 421 | **5156** | 3619 | 149 | **3768** | 509 | 14 | **523** |
| As of 23.09.13 | 76 | 3 | **79** | 4057 | 354 | **4411** | 3550 | 157 | **3707** | 548 | 13 | **561** |

Table 3
**Number of accused and sentenced foreigners as of 31.12.**

| *Year* | *Accused* | *Sentenced* | ***Total*** |
|---|---|---|---|
| 2010 | 101 | 96 | **197** |
| 2011 | 89 | 105 | **194** |
| 2012 | 77 | 129 | **206** |
| As of 23.09.2013 | 96 | 129 | **225** |

Table 4
**Number of accused and sentenced foreigners in the territory of the SR as of 23.09.2013**

| | *Accused* | | | *Sentenced* | | | |
|---|---|---|---|---|---|---|---|
| *Country* | *Men* | *Women* | ***Total*** | *Men* | *Women* | ***Total*** | ***Total*** |
| Afghanistan | 0 | 0 | **0** | 2 | 0 | **2** | **2** |
| Albania | 0 | 0 | **0** | 1 | 0 | **1** | **1** |
| Bez štátnej príslušnosti | 1 | 0 | **1** | 0 | 0 | **0** | **1** |
| Belorussia | 0 | 0 | **0** | 2 | 0 | **2** | **2** |
| Bosnia and Herzegovina | 0 | 0 | **0** | 1 | 0 | **1** | **1** |
| Bulgaria | 6 | 1 | **7** | 2 | 0 | **2** | **9** |
| The Czech Republic | 10 | 1 | **11** | 29 | 1 | **30** | **41** |
| Montenegro | 0 | 0 | **0** | 1 | 0 | **1** | **1** |
| France | 0 | 0 | **0** | 1 | 0 | **1** | **1** |
| Greece | 1 | 0 | **1** | 1 | 0 | **1** | **2** |
| Holland | 0 | 0 | **0** | 1 | 0 | **1** | **1** |
| Croatia | 1 | 0 | **1** | 6 | 0 | **6** | **7** |
| India | 1 | 0 | **1** | 3 | 0 | **3** | **4** |
| Cameroon | 0 | 0 | **0** | 1 | 0 | **1** | **1** |
| Canada | 1 | 0 | **1** | 0 | 0 | **0** | **1** |
| Lithuania | 0 | 0 | **0** | 4 | 0 | **4** | **4** |
| Macedonia | 3 | 0 | **3** | 4 | 0 | **4** | **7** |
| Hungary | 9 | 2 | **11** | 9 | 0 | **9** | **20** |
| Moldavia | 0 | 0 | **0** | 1 | 0 | **1** | **1** |
| Germany | 3 | 0 | **3** | 0 | 0 | **0** | **3** |
| Nigeria | 0 | 0 | **0** | 6 | 0 | **6** | **6** |
| Pakistan | 1 | 0 | **1** | 0 | 0 | **0** | **1** |
| Poland | 0 | 0 | **0** | 2 | 0 | **2** | **2** |
| Austria | 0 | 0 | **0** | 1 | 0 | **1** | **1** |
| Romania | 3 | 0 | **3** | 5 | 0 | **5** | **8** |
| Russia | 3 | 0 | **3** | 0 | 0 | **0** | **3** |
| Slovenia | 3 | 0 | **3** | 0 | 0 | **0** | **3** |
| USA | 1 | 0 | **1** | 0 | 0 | **0** | **1** |
| Serbia | 6 | 0 | **6** | 4 | 0 | **4** | **10** |

| Country | Accused | | | Sentenced | | | Total |
|---|---|---|---|---|---|---|---|
| | Men | Women | **Total** | Men | Women | **Total** | **Total** |
| Serbia and Montenegro | 0 | 0 | **0** | 1 | 0 | **1** | **1** |
| Syria | 0 | 0 | **0** | 2 | 0 | **2** | **2** |
| Spain | 0 | 0 | **0** | 2 | 0 | **2** | **2** |
| Italy | 0 | 0 | **0** | 1 | 0 | **1** | **1** |
| Turkey | 0 | 0 | **0** | 2 | 0 | **2** | **2** |
| Ukraine | 27 | 0 | **27** | 8 | 0 | **8** | **35** |
| Vietnam | 12 | 0 | **12** | 24 | 1 | **25** | **37** |
| **Total** | **92** | **4** | **96** | **127** | **2** | **129** | **225** |

Table 5
**Number of sentenced persons according to age and gender**

| Data from 31.12. | | Under 18 years of age | Under 21 years of age | Under 25 years of age | Under 30 years of age | Under 45 years of age | Under 60 women under 65 men | Over 60 women over 65 men |
|---|---|---|---|---|---|---|---|---|
| 2010 | M | 68 | 452 | 1128 | 1644 | 3246 | 1508 | 44 |
| | F | 0 | 11 | 33 | 92 | 226 | 103 | 12 |
| 2011 | M | 70 | 481 | 1101 | 1577 | 3676 | 1602 | 53 |
| | F | 2 | 11 | 36 | 91 | 294 | 114 | 10 |
| 2012 | M | 58 | 454 | 1094 | 1680 | 3875 | 1733 | 62 |
| | F | 2 | 11 | 56 | 84 | 288 | 139 | 6 |
| 23.9.2013 | M | 44 | 248 | 887 | 1500 | 3779 | 1713 | 60 |
| | F | 2 | 7 | 34 | 74 | 261 | 130 | 19 |

Table 6
**Sentenced persons according to the number of years of imprisonment and degrees of surveillance**

| Data from 31. 12. | | 2010 | 2011 | 2012 | 23.9.2013 |
|---|---|---|---|---|---|
| Minors | under 6 months | 12 | 21 | 8 | 10 |
| | under 1 year | 15 | 8 | 11 | 13 |
| | under 2 years | 29 | 23 | 22 | 26 |
| | under 3 years | 20 | 20 | 26 | 17 |
| | under 5 years | 22 | 23 | 20 | 9 |
| | under 10 years | 4 | 6 | 7 | 3 |
| | under 15 years | 2 | 1 | 1 | 1 |
| Minimum grade of surveillance | under 6 months | 310 | 312 | 445 | 280 |
| | under 1 year | 597 | 615 | 704 | 613 |
| | under 2 years | 785 | 758 | 891 | 603 |
| | under 3 years | 630 | 687 | 607 | 616 |
| | under 5 years | 971 | 1099 | 966 | 915 |
| | under 10 years | 1163 | 1248 | 1341 | 1252 |
| | under 15 years | 138 | 144 | 190 | 125 |
| | under 25 years | 7 | 7 | 12 | 7 |

| *Data from 31. 12.* | | *2010* | *2011* | *2012* | *23.9.2013* |
|---|---|---|---|---|---|
| Medium grade of surveillance | under 6 months | 153 | 158 | 146 | 243 |
| | under 1 year | 502 | 512 | 555 | 766 |
| | under 2 year | 721 | 763 | 783 | 820 |
| | under 3 year | 473 | 501 | 546 | 414 |
| | under 5 years | 480 | 493 | 445 | 318 |
| | under 10 years | 739 | 850 | 907 | 822 |
| | under 15 years | 262 | 287 | 308 | 251 |
| | under 25 years | 54 | 64 | 78 | 73 |
| Maximum grade of surveillance | under 6 months | 0 | 1 | 0 | 1 |
| | under 1 year | 1 | 2 | 7 | 2 |
| | under 2 years | 1 | 8 | 9 | 13 |
| | under 3 years | 8 | 8 | 9 | 8 |
| | under 5 years | 13 | 12 | 17 | 22 |
| | under 10 years | 100 | 111 | 103 | 122 |
| | under 15 years | 157 | 151 | 136 | 144 |
| | under 25 years | 163 | 186 | 203 | 209 |
| | Life imprisonment | 35 | 39 | 39 | 40 |
| **Total** | | **8567** | **9118** | **9542** | **8758** |

Table 7
**Sentenced persons according to education**

| *Data from 31.12.* | | *2010* | *2011* | *2012* | *23.9.2013* |
|---|---|---|---|---|---|
| Illiterate | Minors | 5 | 8 | 3 | 1 |
| | Minimum grade of surveillance | 86 | 87 | 64 | 63 |
| | Medium grade of surveillance | 59 | 96 | 66 | 58 |
| | Maximum grade of surveillance | 3 | 9 | 9 | 12 |
| | Men | 137 | 180 | 129 | 122 |
| | Women | 16 | 20 | 13 | 12 |
| | **Total** | **153** | **200** | **142** | **134** |
| | % | 1.8% | 2.2% | 1.5% | 1.5% |
| Incomplete primary education | Minors | 35 | 32 | 37 | 32 |
| | Minimum grade of surveillance | 419 | 427 | 470 | 349 |
| | Medium grade of surveillance | 396 | 382 | 356 | 355 |
| | Maximum grade of surveillance | 56 | 81 | 38 | 68 |
| | Men | 854 | 862 | 813 | 746 |
| | Women | 52 | 60 | 88 | 58 |
| | **Total** | **906** | **922** | **901** | **804** |
| | % | 10.6% | 10.1% | 9.4% | 9.2% |

| *Data from 31.12.* | | *2010* | *2011* | *2012* | *23.9.2013* |
|---|---|---|---|---|---|
| Primary education | Minors | 62 | 61 | 55 | 45 |
| | Minimum grade of surveillance | 1624 | 1671 | 1787 | 1449 |
| | Medium grade of surveillance | 1408 | 1492 | 1549 | 1547 |
| | Maximum grade of surveillance | 206 | 181 | 218 | 224 |
| | Men | 3082 | 3163 | 3369 | 3026 |
| | Women | 218 | 242 | 240 | 239 |
| | **Total** | **3300** | **3405** | **3609** | **3265** |
| | % | 38.5% | 37.3% | 37.8% | 37.3% |
| Secondary education | Minors | 1 | 1 | 0 | 1 |
| | Minimum grade of surveillance | 1767 | 1900 | 1909 | 1732 |
| | Medium grade of surveillance | 1218 | 1308 | 1423 | 1355 |
| | Maximum grade of surveillance | 158 | 171 | 188 | 185 |
| | Men | 3034 | 3241 | 3390 | 3148 |
| | Women | 110 | 139 | 130 | 125 |
| | **Total** | **3144** | **3380** | **3520** | **3273** |
| | % | 36.7% | 37.1% | 36.9% | 37.4% |
| Complete secondary education | Minors | 1 | 0 | 0 | 0 |
| | Minimum grade of surveillance | 621 | 687 | 831 | 715 |
| | Medium grade of surveillance | 279 | 330 | 345 | 359 |
| | Maximum grade of surveillance | 50 | 72 | 67 | 70 |
| | Men | 880 | 1002 | 1139 | 1062 |
| | Women | 71 | 87 | 104 | 82 |
| | **Total** | **951** | **1089** | **1243** | **1144** |
| | % | 11.1% | 11.9% | 13.0% | 13.1% |
| University education | Minors | 0 | 0 | 0 | 0 |
| | Minimum grade of surveillance | 84 | 98 | 95 | 103 |
| | Medium grade of surveillance | 24 | 20 | 29 | 33 |
| | Maximum grade of surveillance | 5 | 4 | 3 | 2 |
| | Men | 103 | 112 | 116 | 127 |
| | Women | 10 | 10 | 11 | 11 |
| | **Total** | **113** | **122** | **127** | **138** |
| | % | 1.3% | 1.3% | 1.3% | 1.6% |

| *Data from 31.12.* | | *2010* | *2011* | *2012* | *23.9.2013* |
|---|---|---|---|---|---|
| **Total** | Minors | 104 | 102 | 95 | 79 |
| | Minimum grade of surveillance | 4601 | 4870 | 5156 | 4411 |
| | Medium grade of surveillance | 3384 | 3628 | 3768 | 3707 |
| | Maximum grade of surveillance | 478 | 518 | 523 | 561 |
| | Men | 8090 | 8560 | 8956 | 8231 |
| | Women | 477 | 558 | 586 | 527 |
| | **Total** | **8567** | **9118** | **9542** | **8758** |
| | % | 100% | 100% | 100% | 100% |

118. The possibility of ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is still being evaluated.

119. The possibility of ratification of the Convention on the Protection of Rights of All Migrating Workers and Members of their Families is still being evaluated. At present, the Slovak Republic does not intend to become its state party.

120. The Slovak Republic intends to become a state party to the International Convention for the Protection of All Persons from Enforced Disappearance, with expected ratification by the end of 2013.

121. On its official internet sites, the Slovak Republic publishes reports submitted to the Committee, final recommendations of the Committee, and minutes of the Committee's sessions.

122. During its session on 25 May 2010, the Government of the Slovak Republic dealt with the process and results of the evaluation of the Second Periodic Report on the Convention. In its Resolution 343, the Government of the Slovak Republic set tasks to all central public authorities concerned that are responsible for the fulfilment of the final recommendations of the Committee, and the task to prepare measures and a time schedule for the fulfilment of the said recommendations.